UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
AUG 29 2007
J.T. NOBLIN, CLERK
BY_______________DEPUTY

WANDA JONES PLAINTIFF

v. No. 3:07cv513WHB-LRA

TV MINORITY COMPANY,
NORFOLK SOUTHERN COMPANY
and RON STOCK DEFENDANTS

COMPLAINT

The plaintiff, Wanda Jones, hereby files this suit against the defendants for harassment based on her sex and religion and for wrongful termination in violation of the 1964 Civil Rights Act as well as the tort of interference with her employment contract.

Jurisdiction

1. This Court has jurisdiction under 28 USC § 1331 and 42 USC § 2000(e).

Parties

2. The plaintiff is an adult resident of Wayne County, Mississippi.

3. The defendant, TV Minority Company, is a foreign corporation doing business in Lauderdale County, Mississippi.

4. Norfolk Southern Railroad Company is a foreign corporation doing business in Lauderdale County, Mississippi.

5. Ron Stock is a manager with Norfolk Southern.

6. TV Minority and Norfolk Southern were joint employers of the plaintiff. Because Norfolk Southern had the right to bar the plaintiff from its property and effectively terminate her

Jury Trial Demanded

employment with TV Minority, both TV Minority and Norfolk Southern are joint employers and are jointly and severally liable to the plaintiff for her damages.

Facts

7. Norfolk Southern operates a rail yard facility in Meridian for unloading vehicles made by Ford Motor Company. TV Minority had a contract with Norfolk Southern to unload vehicles from the rail cars and move them to trucks where they were then driven to local Ford dealers. TVM unloads the Ford cars from the railroad cars and moves them to trucks owned by Allied Auto for delivery to Ford dealers. Norfolk Southern owned the yard that was used to unload Ford vehicles from railroad cars.

8. Norfolk Southern retained the right to bar any TVM employee from working on the premises.

9. The plaintiff worked as a yard manager for TV Minority beginning in 2001.

10. In 2003, Ron Stock assumed management responsibilities for the yard on behalf of Norfolk Southern. Mr. Stock traveled to the yard several times per month. During those occasions, Mr. Stock would interact with the plaintiff and would harass her due to her sex and her religion.

11. Mr. Stock noticed that she had inspirational messages on her computer screen saver and she kept a Bible at her desk that she read during her lunch hour. He had snide and mocking comments about her religiosity. Mr. Stock told a co-worker to put a Jesus stamp on a document if they wanted the plaintiff to sign it. He also made mocking comments about her request to put a friend on a prayer list.

12. Mr. Stock also made some harassing comments of a sexual nature. He asked her what her husband got her from Victoria Secrets. He also made comments about his having to sleep on the sofa because his wife was mad at him.

13. The plaintiff was uncomfortable when Ron Stock came in. She asked co-worker, Mr. Joe Conley, to sit at an empty desk to discourage Mr. Stock from engaging in any improper behavior.

14. The plaintiff complained to her supervisor, Gary Locklear, on or about 1-13-07 about the harassment. Mr. Locklear did nothing to stop the harassment period.

15. On 3-15-07, the plaintiff learned that Ron Stock had told his co-workers that the plaintiff "was in bed with Jerry Channell" and that he was going to do some things to mess up their party. Mr. Channell and the plaintiff's husband were co-workers at Allied Auto. The plaintiff called Mr. Stock directly to confront him about making the statement. Stock denied having made the statement. The plaintiff told Stock that she would have to call the EEOC and contact a lawyer.

16. The plaintiff reported the incident to her supervisor, Gary Locklear. The plaintiff reminded her supervisor that she had complained before about the harassment but it had not stopped. Locklear said he could not do anything about it. The plaintiff told him that her boss is supposed to protect her from such harassment. Mr. Locklear repeated that he could do nothing to help. The conversation got a heated. The plaintiff told him that she would have to go the EEOC and contact a lawyer

17. By letter dated 3-22-07, Mr. Locklear gave the plaintiff a reprimand and a final warning. He said Norfolk would make a final determination as to her future employment status.

18. On 4-1-07, Gary Locklear relieved the plaintiff of her duties. He said Norfolk Southern did not want her on the property. TV Minority offered the plaintiff a position in Shreveport.

19. But for the act of the defendants, Ron Stock and Norfolk Southern Company, the plaintiff would have continued her employment with TV Minority. Stock and Norfolk Southern tortuously and wrongfully interfered with her employment contract by causing her loss of employment.

20. Within 180 days of her constructive discharge, the plaintiff filed charges with the EEOC against TV Minority and Norfolk Southern claiming that she had been discharged in retaliation for threatening to report this activity to the EEOC and for internally opposing practices made unlawful by Title VII. The plaintiff also filed charges of harassment based on her sex and religiosity. The plaintiff has filed this suit within ninety days of having received a right-to-sue letter.

Violations of Law

21. The plaintiff was terminated because (1) she internally opposed practices made unlawful by Title VII, and (2) she announced her intent to contact the EEOC.

22. Norfolk Southern and Ron Stock wrongfully interfered with the plaintiff's employment contract by barring her from the property.

Request for Relief

23. The plaintiff seeks reinstatement, back pay and front pay of $150,000, emotional distress damages of $200,000, punitive damages of $500,000 and reasonable attorney's fees.

Respectfully submitted, August 29, 2007.

Michael Farrell

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